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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,672	11/04/2003	Robin Petravic	61051- 0006	6483
27890 7590 08/13/2007 STEPTOE & JOHNSON LLP 1330 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036			EXAMINER LARSON, JUSTIN MATTHEW	
			ART UNIT 3782	PAPER NUMBER
			MAIL DATE 08/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/699,672

Applicant(s)

PETRAVIC, ROBIN

Examiner

Justin M. Larson

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/30/07 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

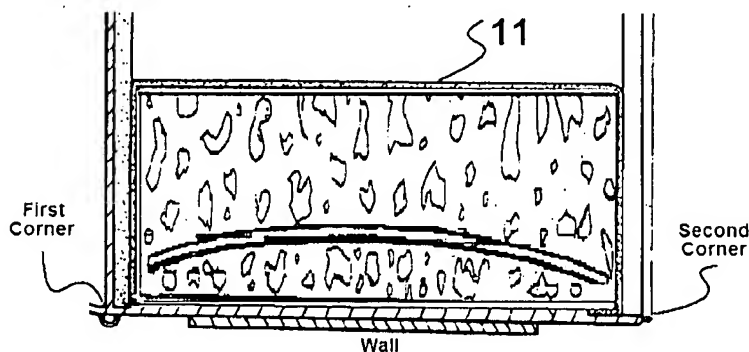
3. Claims 1-10, 13-18, 20-29, 31-35, 37, 38, and 40-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 5,810,171) in view of Morris et al. (US 6,464,080 B1), and further in view of Fehr (US 3,716,875 A).

Regarding claims 1-4, 8-10, 14, 15, 17, 18, 20-26, 31-33, 35, 37, 38, and 40-49, Lee discloses a carrying case for a portable electronic device comprising a plurality of wall portions defining a compartment, and a shock absorber (3/5/7/9) associated with at least one of the wall portions, the shock absorber including a spring (5) embedded in foam (3), where the shock absorber is configured to absorb at least a portion of any forces transmitted through a wall portion to the portable electronic device. Lee fails to

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disclose the spring being a leaf spring where the foam substantially conforms to the upper and lower surfaces of the leaf spring. Instead, Lee discloses a coil spring where the layers of foam only lie adjacent the side portions of the spring.

Morris et al., however, teach that a leaf spring (15) can be placed between a wall surface and a portable device to protect the portable device during transport (abstract). Similarly, Fehr discloses an improved cushion assembly comprising a plastic leaf spring (2) where the leaf spring has an upper and lower surface and a channel therebetween. The leaf spring is embedded within two layers of foam such that the layers of foam substantially conform to its upper and lower surfaces. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the coil spring shock absorber (3/5/7/9) of Lee with a leaf spring shock absorber, as motivated by Morris et al., one with only a leaf spring sandwiched between two layers of foam and no plates, as taught by Fehr, in order to provide an improved cushion assembly for protecting the portable electronic device. Examiner submits the following figure for illustration purposes only to clearly show the resulting combination as Examiner sees, with no intention of illustrating any particular teachings of Lee or Fehr. A shock absorber assembly as taught by Kehr has been implemented in the place of the springs (5), foam (3), and plates (7,9) of Lee, within the covering material (11) of Lee.



Regarding claims 5-7 and 27-29 the wall portion extends from a first corner to a second corner and the leaf spring extends substantially from the first corner to the second corner along an arcuate path, wherein the leaf spring is substantially adjacent the wall portion only at the first corner and the second corner and is spaced apart from the wall portion at points between the first corner and the second corner (See Figure above).

Regarding claim 13, the modified Lee carrying case includes the claimed features except for the leaf spring having a generally W-shaped cross section. Morris et al., however, teaches that a leaf spring may have a generally W-shaped cross section. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the leaf spring of the modified Lee carrying case with a generally W-shaped cross section, as taught by Morris et al., in order to achieve the predictable result of a shock absorber having a leaf spring.

Regarding claims 16 and 34 setting forth that the spring is made from a polycarbonate material, it is noted that polycarbonate is a plastic material. Fehr teaches that his spring may be manufactured from plastic (col. 4 line 4). To choose polycarbonate as a spring material to arrive at certain cushioning parameters would have been an obvious choice to one of ordinary skill in the art.

4. Claims 11-12 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Morris et al. and Kehr as applied in paragraph 3 above, and further in view of Hollingsworth et al. (US 6,131,734 A).

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The modified Lee carrying case includes the claimed features except for the foam specifically being open-cell foam. Hollingsworth et al., however, teach that it is known in the art for the foam padding of a carrying case to be made from open-cell foam (col. 6 lines 36-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the foam pads of the modified Lee carrying case out of open-cell foam, as taught by Hollingsworth et al., since such a pad material structure is known to provide an effective padding characteristic in carrying cases.

5. Claims 19, 36, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Morris et al. and Kehr as applied in paragraph 3 above, and further in view of Golenz et al. (US 5,494,157).

The modified Lee carrying case includes the claimed features except for being in the form of a backpack and having an opening in a side thereof for passage of the portable computer therethrough. Golenz et al., however, teach that such a carrying case can be in the form of a backpack (Figure 6) and can have an opening in a side thereof for passage of a portable device therethrough. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the modified Lee carrying case as a backpack, as taught by Golenz et al., in order to allow a user to carry the load on their back as opposed to over one shoulder, and to include a side opening, also as taught by Golenz et al., so that the user could have easy access to their portable device.

***Response to Arguments***

6. Applicant's arguments filed 7/30/07 have been considered but are moot in view of the new ground(s) of rejection.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Thursday, 7am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JML  
8/3/07

  
**NATHAN J. NEWHOUSE**  
**SUPERVISORY PATENT EXAMINER**